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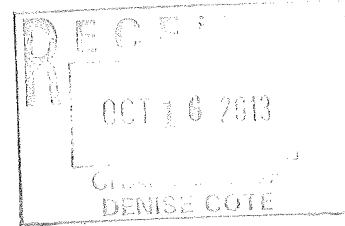
October 15, 2013

By Hand Delivery

The Honorable Denise L. Cote
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street, Room 1610
New York, NY 10007-1312

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10/16/2013



MEMO ENDORSED

Re: Eastman Kodak Company v. Ricoh Company, Ltd., No. 12-cv-3109 (DLC)

Dear Judge Cote:

On behalf of Defendant Ricoh Company, Ltd. ("Ricoh"), we respectfully submit this letter pursuant to Paragraph 4(A) of the Court's Individual Practices, to seek permission to file under seal three exhibits, and to publicly file three redacted exhibits, in support of Ricoh's *Daubert* Motion to Exclude the Opinions and Testimony of Vincent A. Thomas (*see* Dkt. No. 143). Ricoh also requests permission to publicly file a redacted version of its *Daubert* Motion.

On October 9, 2013, Ricoh submitted an initial request for permission to seal or redact these documents. Ricoh has since been advised of the Court's ruling that, at sections C.1-C.3 of Tab 3, Exhibit A (at pages 28-30, and the first line of page 31) only redactions to third-party company names are permitted. Accordingly, Ricoh submits this revised request seeking permission to file Tab 3, Exhibit A with redactions limited to those third-party company names only. A revised Tab 3, Exhibit A is submitted herewith. Per the Court's instructions, the other documents that Ricoh had previously requested permission to seal or redact are also listed below.

The full set of Ricoh's *Daubert* Motion and accompanying papers, including unredacted exhibits, was served on Kodak by email on October 7, 2013.

I. Ricoh Requests Permission To File Under Seal Three Exhibits Containing Kodak Confidential and Highly Confidential Information, and the Confidential Information of Third Parties

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Kodak has asserted that the following exhibits to the Pechenik Declaration submitted in support of Ricoh's *Daubert* Motion, which are third party license agreements, contain Confidential or Highly Confidential Kodak information, as well as information that is confidential to those third parties:

- Exhibit D, Agreement between Kodak and Altek Corporation, dated July 1, 2004 [TAB 6]
- Exhibit E, Agreement between Kodak and Asia Optical Co., dated April 9, 2004 [TAB 7]
- Exhibit F, Agreement between Kodak and Sanyo Electric Company, Ltd., dated March 30, 2001 [TAB 8]

Because Kodak has designated these documents as containing Kodak Confidential or Highly Confidential information, Ricoh respectfully requests permission to file these materials under seal. On October 9, 2013, Kodak's counsel informed Ricoh that these documents contain Kodak and third party confidential information and that Kodak intends to preserve the confidentiality designations of these documents in full.

II. Ricoh Seeks to Publicly File Three Exhibits and its *Daubert* Motion with the Confidential and Highly Confidential Information of Ricoh and Kodak Redacted

In addition to the above exhibits, Ricoh also seeks permission to publicly file the following redacted exhibits, which contain Confidential or Highly Confidential information of both Ricoh and Kodak:

- Exhibit A, Expert Report of Vincent A. Thomas, dated May 17, 2013 [TAB 3]
- Exhibit H, Expert Report of Brian C. Becker, dated July 8, 2013 [TAB 9]
- Exhibit I, Agreement between Kodak and Ricoh, dated May 1, 2002 [TAB 11]

The above exhibits contain sensitive business information that is not made public, and that Ricoh makes efforts to maintain as confidential. Were such information to be made public, it could be used to Ricoh's competitive and business disadvantage. To protect this confidential information, Ricoh respectfully requests that the Court allow it to file redacted versions of these exhibits. Ricoh has made efforts to redact the minimum necessary to protect its business sensitive information. On October 9, 2013, Kodak provided Ricoh with additional redactions to these exhibits that it asserts cover Kodak Confidential or Highly Confidential information. Clean copies of the redacted pages of the above exhibits are enclosed at TABS 4, 10, and 12 respectively.


Ricoh also seeks permission to publicly file a redacted version of its *Daubert* Motion, which contains Ricoh Confidential and Highly Confidential information. A copy of Ricoh's Motion with proposed redactions highlighted is at TAB 1. Clean copies of the redacted pages of Ricoh's Motion are enclosed at TAB 2.

Further, after conferring, the parties have agreed that Exhibit C to the Pechenik Declaration (TAB 5) contains no confidential information of either party, and can be re-filed publicly.

Thank you for Your Honor's consideration of this submission.

Approved,
James Cole
Oct. 14, 2013

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "David Eiseman".

David Eiseman

Encl.

cc: Robert Gunther, Jr.
Michael Summersgill